

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/455,651	12/07/99	ENGELBRECHT	J 452948-1

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EXAMINER

MICHL, P

ART UNIT

1714

PAPER NUMBER

DATE MAILED: 06/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	Examiner	Group Art Unit	
<i>—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—</i>			
Period for Response			
A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE <u>THREE</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely. - If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication . - Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). 			
Status			
<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>6/6/01</u>			
<input checked="" type="checkbox"/> This action is FINAL.			
<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 1 1; 453 O.G. 213.			
Disposition of Claims			
<input checked="" type="checkbox"/> Claim(s) <u>1 - 25</u> is/are pending in the application.			
Of the above claim(s) <u>16-22, 24, 25</u> is/are withdrawn from consideration.			
<input type="checkbox"/> Claim(s) _____ is/are allowed.			
<input checked="" type="checkbox"/> Claim(s) <u>1-15, 23</u> is/are rejected.			
<input type="checkbox"/> Claim(s) _____ is/are objected to.			
<input type="checkbox"/> Claim(s) _____ are subject to restriction or election requirement.			
Application Papers			
<input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.			
<input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved.			
<input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.			
<input type="checkbox"/> The specification is objected to by the Examiner.			
<input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
Pri ority under 35 U.S.C. § 119 (a)-(d)			
<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).			
<input type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received.			
<input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____.			
<input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).			
*Certified copies not received: _____.			
Attachment(s)			
<input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____		<input type="checkbox"/> Interview Summary, PTO-413	
<input type="checkbox"/> Notice of References Cited, PTO-892		<input type="checkbox"/> Notice of Informal Patent Application, PTO-152	
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948		<input type="checkbox"/> Other _____	
Offic Acti n Summary			

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Claims 16-22, 24, and 25 stand withdrawn from consideration for being directed to the non-elected invention.

Claim 23 is rejected under 35 U.S.C. § 112 second paragraph. Claim 23 improperly depends upon claim 1. Claim 23 is a method claim. Claim 1 is not a method claim.

Claims 1-15 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bryan and one of either Takahashi or Dunn and one of Ibsen '016 or Zalsman or Lee and one of either Jacobs or Oxman or Ibsen '489. The Examiner's position remains as stated in the December 6 Office action. Applicants' arguments have been considered but are not persuasive. Applicants discuss what the references disclose but applicants do not specifically point out why claim 1 is patentable over these references. Claim 1 is directed to a kit comprising two containers, a container of "copolymer" and a container of "adhesive". The word "kit" has no patentable significance in these claims. In order for these claims to be patentable, the contents of either the first container or the contents of the second container or the contents of both containers must themselves be patentable. The contents of the containers are "copolymer" and "adhesive". All of these references disclose copolymer and adhesive. Copolymer and adhesive are not novel. A container of copolymer is not novel. A container of adhesive is not novel. Since a container of copolymer is not patentable and a container of adhesive is not

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THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication should be directed to Paul Michl at telephone number (703) 308-2451.

The Examiner's supervisor is Vasu Jagannathan phone number (703) 306-2777. The fax number for this group is (703) 305-3599.

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June 12, 2001


PAUL R. MICHL
 PATENT EXAMINER
ART UNIT 156



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